



Objectives of today's training:

- Better understand paid family & medical leave programs in NJ
- Recognize the benefits of paid leave
- Identify resources to share with others

Overview

The US is virtually the only nation
in the WORLD *without*
a national paid family leave law
or paid sick days guarantee

ZEROWEEKS



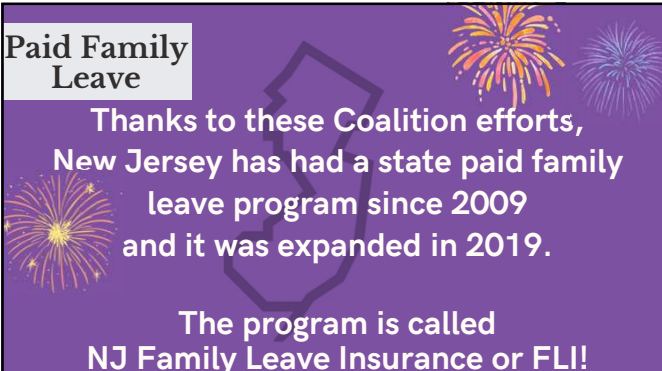
The NJ Time to Care Care Coalition was founded in 2003 and is a diverse group that includes advocacy, union, research, faith, senior, women's, and community-based organizations, working to improve programs and policies to ensure that all working families have paid time to care. SPAN has been a long term member!




Paid Family Leave

Thanks to these Coalition efforts, New Jersey has had a state paid family leave program since 2009 and it was expanded in 2019.

The program is called NJ Family Leave Insurance or FLI!



Value of Paid Leave



Research has shown that Paid Family Leave:

- Advances health equity
- Improves child and mother health
- Strengthens families' economic well-being
- Helps address racial and gender inequities in health, in the workplace and in earnings
- And much more!





Value of Paid Leave – for Employers

Paid Family Leave:

- Helps with employee retention which reduces turnover costs
- Boosts employee productivity, morale and job satisfaction
- Increases employee health, lowering long-term healthcare costs



Helping Families

Real Life Scenarios

- Keep in mind the following scenario OR ANY you have heard or experienced while we share details about New Jersey's paid leave program and laws.
- We will discuss how to support the family described in the scenario later in the workshop.

Helping Families

Alice and Emily

- Alice is Emily's mother. She is a single parent and works full time as a store manager for a large retail chain.
- Emily has Cerebral Palsy, she goes to school with full inclusion with a teacher's aide and an IEP. She will be undergoing surgery that requires ~ 3 weeks of recovery.
- Alice is struggling with being able to attend her daughter's IEP meetings and how to care for her after her surgery. She needs keep working and is worried about losing her job.



**KNOW YOUR RIGHTS
NJ's Paid Family Leave program**

NJ Family Leave Insurance (FLI)

Uses

Workers can use NJ Family Leave Insurance (FLI) when they need to take leave for:

BONDING	CARING FOR A LOVED ONE	COPING WITH DOMESTIC OR SEXUAL VIOLENCE
		

Uses

BONDING

Both parents can take FLI to bond with a new child in the first year after birth, placement, or adoption.

Uses

CARING FOR A LOVED ONE

Workers can take FLI to care for family or any loved one with a physical or mental health condition

A health care provider certifies their health condition.

Uses

COPING WITH DOMESTIC OR SEXUAL VIOLENCE

Workers (and those caring for a loved who is a victim/survivor) can take FLI to seek medical attention, therapy, victim advocacy, legal services, recovering at home, seeking safe shelter, among other things.



Uses

WHO ARE "LOVED ONES"??

Any family member or individual who is considered to be family.

"Any individual with a close association equivalent of a family relationship"

But also:

Child, Spouse, Parents, Siblings, Grandparents, Grandchildren, In-laws, Any blood relation, Chosen Family



Eligibility

Family Leave Insurance is available to most employees working in NJ.

Exemptions are:

- Federal government employees
- Out-of-state employees
- Religious employees
- Workers that are not technically employees (such as contractors).



Eligibility




To qualify for Family Leave Insurance in 2022, you must have worked 20 weeks earning at least \$260 weekly,

OR have earned a combined total of \$13,000 in the base year.
This amount adjusts annually

A standard base year is the first 4 of the last completed 5 quarters (when employers report wages) before taking leave.

Benefits

Benefits are paid at 85% of a worker's average weekly wage with a maximum weekly benefit of \$1,025



Available for up to 12 consecutive weeks or 56 days or 8 weeks if taken intermittently.

Taking Paid Family Leave

STEPS TO TAKE



Inform your employer

30-15 days notice for bonding
Reasonable notice or 15 days for caregiving



Visit myleavebenefits.nj.gov

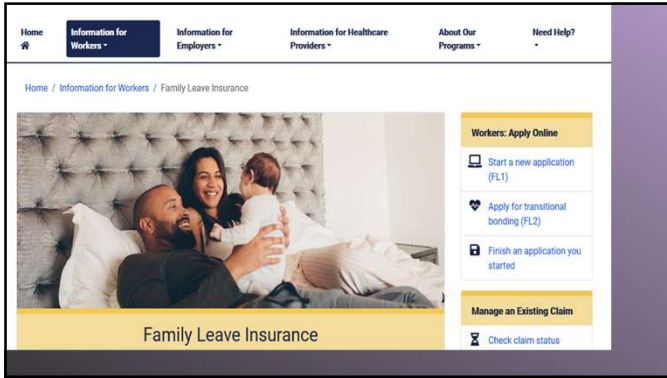
You can file 100% online

You can start an application online 60 days before taking leave OR 30 days after starting leave



For caregiving you need Dr. to certify

A health care provider certifies the loved one's condition in part C of the application
(can be completed online)



Tips


- Plan ahead as much as is possible. Use the resources provided here and speak with your co-workers and employer about taking leave to understand the process.
- You can apply online when you stop working. Keep your password safe!
- You will be paid via a Money Network/My Banking Direct prepaid Visa debit card.
- If you have a medical care certification, follow up to ensure they submit the information within 2 weeks

Helping Families

Lets review the scenario from the beginning.

Alice and Emily

- Alice is struggling with attending her daughter's IEP meetings and how to care for her after her surgery. She needs keep working and is worried about losing her job. What can we advise her?



Materials

LET'S GO TO WORK!
my.sickdays.nj.gov

NEED TO WORKERS BE COVERED?
my.sickdays.nj.gov

5 Things You Should Know About Accommodations for Pregnancy and Breastfeeding at Work
my.sickdays.nj.gov

CASH BENEFITS TO CARE FOR YOURSELF AND LOVED ONES
my.sickdays.nj.gov

DON'T WORRY YOU'RE COVERED!
my.sickdays.nj.gov

VACCINE, COVID-19 & JOB WORRIES?
my.sickdays.nj.gov

BENEFITS & PROTECTIONS FOR NEW & EXPECTING PARENTS
my.sickdays.nj.gov

5 Things You Should Know About Accommodations for Pregnancy and Breastfeeding at Work
my.sickdays.nj.gov

5 Job-Protected Family Leave
my.sickdays.nj.gov

Advacy to Close the Gaps

Paid Leave laws Exist Because of Advocacy

U.S. paid family leave laws by state

Legend:
 ■ programs are in effect
 ■ benefits will begin in 2020
 ■ benefits will begin between 2021 and 2023
 ■ no laws in effect

SOURCE: Congressional Research Service, AARP Research

Significant gaps to NJ Paid Leave still exist!

- Not everyone can access New Jersey's paid leave programs because they are not included in the program or are not eligible.
- And those whom ARE eligible and pay into NJ Paid Leave cannot take leave because of various barriers -- in particular **job protection**.

What happens without access to paid leave?

- Workers are not able to heal, care for loved ones, or bond with new babies because they cannot afford to take time off of work.
- Access to paid leave is inequitable and *lack of access* disproportionately effects Black, Brown, Immigrant and lower-income workers.

We can change this with advocacy and telling our stories

Impacted workers and their situations & stories can move policy makers

Share your experiences and effect positive change.

www.njtimetocare.com/share-story



We want to hear from you!



SPAN Parent Advocacy Network
Paid Leave Ambassadors



Danica LaFortune
dlafortune@spanadvocacy.org

Rhea Malone
rmalone@spanadvocacy.org

JOB PROTECTION & PAID FAMILY LEAVE



NJ paid family leave is a 15 year old employee-funded insurance program that gives NJ families crucial financial support when they need to take time off to care for a new child or a seriously ill loved one. But it does not have "leave guarantee"

Access to paid family leave is out of reach for many because they fear job loss and lack job protection.

35% of workers do not qualify for job protection under the NJ Family Leave Act (NJFLA).

And 57% of lower earning workers do not qualify for these job protections.

65% of workers of color report concern about job loss compared to 49% of white, non-Hispanic workers.

The Problem

1. Nearly all employees in New Jersey pay into our paid family leave program, called NJ Family Leave Insurance (FLI), but too few get to use it. In 2021, approx. 3.7 million NJ workers were covered by NJ paid family leave and only 68,475 claims were filed.
2. New Jersey is no longer a leader on paid leave and has fallen behind other states' paid leave policies which protect workers' jobs during leave. Eight of the 12 other states with a paid leave program also include job protection when taking paid leave benefits. These include RI, NY, MA, CT, OR, CO, DE & MD.
3. Low-wage workers are disproportionately less likely to be covered under job protection laws because they work for small employers, work part-time jobs or switch jobs more frequently. They also report fear of losing their job at more than higher earners.



At least 840,000 workers across the state lack job protection if they take leave because they work for a business with fewer than 30 employees. And nearly 90% of all New Jersey businesses have fewer than 30 employees.



Solution:

Ensuring workers' job protection coverage would increase access to paid leave & make taking it more equitable and less confusing. Job protection must be included along with paid leave benefits. No one should have to forsake being with their loved ones and the benefits they have paid for because they could lose their job.

Support Job Protections for people taking paid family leave in NJ!

Join the NJ Time to Care Coalition's efforts. Learn more at

www.njtimetocare.org



5 Things You Should Know About Job-Protected Family Leave

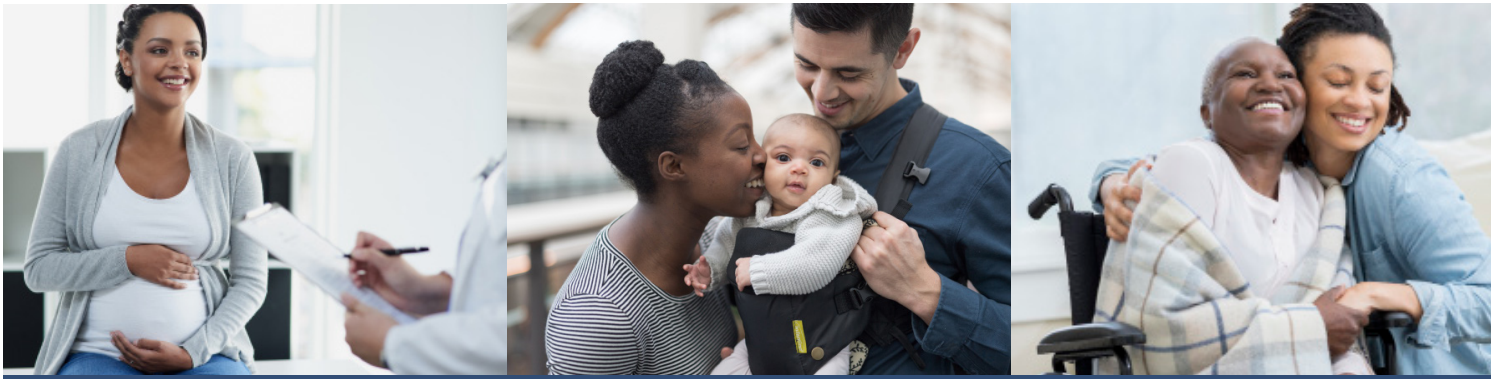
- 1 Under the New Jersey Family Leave Act (NJFLA),** if you work for a state or local government agency, or a company or organization with 30 or more employees worldwide, and you have been employed by the company for at least 1 year (and have worked at least 1,000 hours in the past 12 months), you generally can take up to 12 weeks of job-protected leave during any 24-month period:
 - To care for or bond with a child, as long as the leave begins within 1 year of the child's birth or placement for adoption or foster care;
 - To care for a family member, or someone who is the equivalent of family, with a serious health condition (including a diagnosis of COVID-19), or who has been isolated or quarantined because of suspected exposure to a communicable disease (including COVID-19) during a state of emergency; or
 - To provide required care or treatment for a child during a state of emergency if their school or place of care is closed by order of a public official due to an epidemic of a communicable disease (including COVID-19) or other public health emergency.
- 2 You can take a consecutive block of up to 12 weeks** of leave or you can take leave on an intermittent or reduced schedule.
- 3 NJFLA leave is not the same as the Federal Family Medical Leave Act (FMLA),** so you will not use up NJFLA leave while taking leave for your own serious medical condition under the FMLA. In some situations, you therefore may be entitled to take up to 12 weeks of FMLA leave for your own condition and 12 weeks of NJFLA leave to care for a family member, in a single 12-month period.
- 4 If you are pregnant or just had a baby, you can take up to 12 weeks** for pregnancy and recovery from childbirth under the FMLA, and you can then take an additional 12 weeks of NJFLA leave to bond with or care for your baby after your doctor certifies you are fit to return to work or you have exhausted your FMLA leave (whichever is earlier). Any parent may take leave under the NJFLA to bond with or care for a newborn or a child just placed for adoption or foster care.
- 5 When you return to work, you are generally entitled to return to the same position** you held before leave, and your employer may not retaliate against you because you took or attempted to take leave under the NJFLA.

To find out more or to file a complaint, go to [NJCivilRights.gov](https://www.njcivilrights.gov) or call **1.833.NJDCR4U**



NJ Office of the Attorney General
[NJCivilRights.gov](https://www.njcivilrights.gov)





5 cosas que debe saber sobre licencia familiar protegido por el trabajo

- 1 Según la Ley de Licencias Familiares de Nueva Jersey (New Jersey Family Leave Act, NJFLA),** si trabaja para una agencia del gobierno estatal o local, o una empresa u organización con 30 o más empleados en todo el mundo y ha estado empleado por la empresa durante al menos 1 año (y ha trabajado al menos 1,000 horas en los últimos 12 meses), generalmente puede tomar hasta 12 semanas de licencia con protección laboral durante cualquier período de 24 meses:
 - Para cuidar o relacionarse afectivamente con un niño, siempre que la licencia comience dentro de 1 año del nacimiento o colocación del niño para adopción o cuidado de crianza;
 - Para cuidar a un miembro de la familia, o a alguien equivalente a la familia, con una condición de salud grave (incluyendo un diagnóstico de COVID-19), o que ha sido aislado o puesto en cuarentena debido a una supuesta exposición a una enfermedad transmisible (incluyendo COVID-19) durante un estado de emergencia; o
 - Para proporcionar la atención o el tratamiento necesarios a un hijo durante un estado de emergencia si su escuela o lugar de atención está cerrado por orden de un funcionario público debido a una epidemia de una enfermedad transmisible (incluyendo COVID-19) u otra emergencia de salud pública.
- 2 Puede tomar un bloque consecutivo de hasta 12 semanas** de licencia o puede tomar un horario intermitente o reducido.
- 3 La licencia NJFLA no es lo mismo que la Ley Federal de Licencias Médicas y Familiares (Federal Family Medical Leave Act, FMLA),** por lo que no se agotarán las licencias NJFLA mientras se toma la licencia por su propia afección médica grave, según la FMLA. Por lo tanto, en algunas situaciones, puede tener derecho a tomar hasta 12 semanas de licencia FMLA por su propia condición, y 12 semanas de licencia NJFLA para cuidar a un miembro de la familia, en un solo período de 12 meses.
- 4 Si está embarazada o acaba de tener un bebé, puede tomar hasta 12 semanas** para el embarazo y la recuperación del parto bajo FMLA, y luego puede tomar 12 semanas adicionales de licencia NJFLA para relacionarse afectivamente o cuidar a su bebé después de que su médico certifique que está en condiciones de regresar al trabajo o que haya agotado su licencia FMLA (lo que ocurra es antes). Cualquier padre puede tomar una licencia según la NJFLA para relacionarse afectivamente o cuidar a un recién nacido o un niño recién colocado para adopción o cuidado de crianza.
- 5 Cuando regresa al trabajo, generalmente tiene derecho a regresar al mismo puesto** que tenía antes de la licencia, y su empleador no puede tomar represalias contra usted porque tomó o intentó tomar la licencia bajo la NJFLA.

Para más información o presentar una queja: [NJCivilRights.gov](https://www.njcivilrights.gov) o **973-648-2700**



NJ Office of the Attorney General

[NJCivilRights.gov](https://www.njcivilrights.gov)

DIVISION ON

CIVIL RIGHTS



EARNED SICK LEAVE

What Employees Need to Know

Most New Jersey employees now have the right to earned sick leave so they can:

- care for their own, or a family member's, physical or mental health or injury
- address domestic or sexual violence against themselves or a family member
- attend a child's school-related meeting, conference, or event
- take care of their children when school or child care is closed due to an epidemic or public health emergency

This sheet will be updated as additional information becomes available; note the revision date in the footer.

For more details or to read the law and proposed rules, go to nj.gov/labor/earnedsick.

Note: If your employer has an existing sick leave policy allowing employees to use sick leave, it must meet or exceed the requirements of the law.

WHO'S COVERED BY THE LAW?

Employers must provide earned sick leave to full- and part-time employees. Employers are not required to provide earned sick leave to the following employees:

- individuals employed in the construction industry under a union contract
- per diem health care employees
- public employees who are provided with sick leave at full pay under any other NJ law or rule
- independent contractors who do not meet the definition of an employee under NJ law

NOTICE OF EMPLOYEE RIGHTS

If you are a covered employee, your employer must give you written notice of your right to earned sick leave. You have a right to the notice in English, and if available on the NJDOL website, your primary language. Keep a copy of the notice; you can download it at nj.gov/labor/earnedsick.

EARNED SICK LEAVE ACCRUAL AND USE

You accrue 1 hour of earned sick leave for every 30 hours worked, up to a maximum of 40 hours of leave per benefit year. For example, if you work 40 hours a week, you will earn 5.33 hours of earned sick leave in 4 weeks. Alternatively, your employer can provide you with 40 hours of earned sick leave up front. "Benefit year" means any regular and consecutive 12-month period of time determined by your employer. The Notice of Employee Rights must state the benefit year.

Rate of Accrual	Date Accrual Begins	Date Earned Sick Leave Available for Use
1 hour for every 30 hours worked	October 29, 2018 or the first day of employment, whichever is later	February 26, 2019 or 120 days after first day of employment, whichever is later

With your employer's consent, you can work additional hours to make up for hours of work missed rather than use earned sick leave. However, your employer cannot require this, or require you to use earned sick leave.

Your employer cannot require you to search for or find a replacement worker to cover the hours during which you will use earned sick leave, as a condition of using the leave. Keep a copy of all documents that show your amount of earned sick leave accrual and use.

PAYMENT OF EARNED SICK LEAVE

Your rate of pay for earned sick leave must be your regular hourly rate, but no less than the state minimum wage. If your pay fluctuates, you have two or more jobs for the same employer, you're paid for piecework, or your pay includes gratuities, food, or lodging, your rate of pay for sick leave is calculated by adding together your total earnings, exclusive of overtime pay, for the seven most recent workdays. Divide that sum by the total hours of work during that seven-day period. If you're paid by commission, whether base wage plus commission or commission only, your rate of earned sick leave pay is the hourly base wage or the state minimum wage, whichever is greater.

DEFINITION OF FAMILY MEMBERS

The law recognizes the following individuals as "family members" for the purposes of earned sick leave use:

- child (biological, adopted, or foster child; stepchild; legal ward; child of a domestic partner or civil union partner)
- grandchild
- sibling
- spouse
- domestic partner or civil union partner
- parent
- grandparent
- spouse, domestic partner, or civil union partner of an employee's parent or grandparent
- sibling of an employee's spouse, domestic partner, or civil union partner
- any other individual related by blood to the employee
- any individual whose close association with the employee is the equivalent of family

DOMESTIC OR SEXUAL VIOLENCE

If you or your family member have been a victim of domestic violence or sexual violence, you can use earned sick leave for treatment, counseling, or to prepare for legal proceedings.

ADVANCE NOTICE

If your need for earned sick leave can be planned in advance, your employer can require up to seven days' advance notice of your intention to use earned sick leave. If your need for earned sick leave cannot be planned in advance, your employer may require you to give notice as soon as it is practical.

DOCUMENTATION

Your employer can require reasonable documentation if you use earned sick leave on three or more consecutive workdays, or on certain dates specified by the employer.

UNUSED EARNED SICK LEAVE

You may carry over up to 40 hours of unused earned sick leave into the next benefit year. However, your employer is required only to let you use up to 40 hours of leave per benefit year. Alternatively, your employer can offer to pay you for your unused earned sick leave at the end of the benefit year.

RETALIATION

Your employer cannot retaliate against you for requesting or using earned sick leave, filing a complaint with NJDOL, communicating with any person about a violation of the law, participating in an investigation regarding an alleged violation of the law, or informing another person of their potential rights under the law. Retaliation includes threat, discipline, discharge, demotion, suspension, or reduction in hours, or any other adverse action against you for exercising or attempting to exercise any right guaranteed under the law.

COMPLAINTS

- File a complaint online. Visit nj.gov/labor, click Wage & Hour, then File a Wage Claim.
- Download a complaint form at nj.gov/labor/earnedsick
- Contact NJDOL by email at wage.hour@dol.nj.gov or call 609-292-2305 between 8:30 a.m. and 4 p.m.
TTY users can contact this department through NJ Relay: 7-1-1

